

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 15-M- 1101

MATHEW BORDONARO

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of June 4, 2013, in the County of Erie, in the Western District of New York, the defendant did possess child pornography on his computer, in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.



Complainant's signature

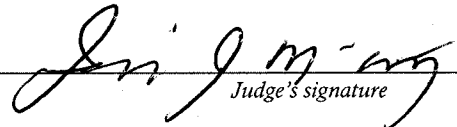
S.R. MILLER

Special Agent, Federal Bureau of Investigation

Printed name and title

Sworn to before me and signed in my presence.

Date: September 22, 2015



Judge's signature

City and State: Buffalo, New York

HONORABLE JEREMIAH J. McCARTHY
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE)
CITY OF BUFFALO) SS:

I, **S. R. Miller**, being duly sworn, depose and say:

1. I am a Special Agent with the Federal Bureau of Investigation and entered on duty in 2007. I am currently assigned to the Buffalo Field Office Child Exploitation Task Force which targets individuals involved in the on-line sexual exploitation of children. I have participated in investigations of persons suspected of violating federal child pornography laws, including Title 18, United States Code, Sections 2251, 2252 and 2252A. I have also participated in various FBI mandated and volunteer training for the investigation and enforcement of federal child pornography laws in which computers are used as the means for receiving, transmitting, and storing child pornography.

2. I make this affidavit in support of a criminal complaint charging **MATTHEW BORDONARO** of Buffalo, New York, with violating Title 18, United States Code, Section 2252A(a)(5)(B).

3. The information in this affidavit is based upon my personal knowledge and upon information provided to me by law enforcement officers and others. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that

MATTHEW BORDONARO did knowingly violate Title 18, United States Code, Section 2252A(a)(5)(B).

4. On June 4, 2013, a federal search warrant was executed at the defendant's residence, in Buffalo, New York. As a part of the search, agents seized computers, hard drives and other electronic items which belonged to the defendant. These items were transferred to the Western New York Regional Computer Forensics Laboratory for forensic analysis.

5. Coincident to the execution of the search warrant, BORDONARO was interviewed and admitted that he had been using publicly available P2P software to download, possess, view, and distribute child pornography for about a year and a half. He said that he was the only one who used the two laptops in his bedroom. BORDONARO stated that he had used the P2P software to download child pornography, and then saved the child pornography to three external hard drives which were also located in his bedroom. BORDONARO advised the agents of specific search terms that he used to locate files of child pornography.

6. Your Affiant examined defendant's the following item: a black Dell laptop computer S/N NM508A01. A review this item by your Affiant resulted in the discovery of more than 340 image and video files that contain images of child pornography as defined in Title 18 U.S.C. 2256. Defendant's computer is a means or facility of interstate commerce.

7. Listed below is the description of one of these video files, that I believe based on my training and experience, constitutes child pornography:

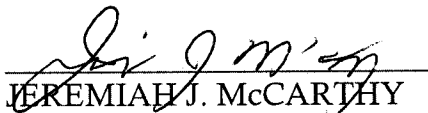
- a. This video depicts a prepubescent female child, approximately 10-11 years of age on a webcam sitting on a chair. She first exposes her breasts, and then her buttocks. Subsequent to this, she pulls her pants and panties down, rubs what appears to be part of a banana on her vagina, and then a dog licks her vagina. This continues activity and then the girl rubs the banana on her anus, and then the dog licks her anus.

8. Based upon the foregoing, I respectfully submit that there is probable cause to believe that **MATTHEW BORDONARO** has violated Title 18, United States Code, Section 2252A(a)(5)(B).



S. R. MILLER
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed to before
me this 23rd day of September 2015.


JEREMIAH J. MCCARTHY
United States Magistrate Judge